

# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER FILING OR 371 (c) DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NUMBER

10/613,346

07/02/2003

Tom McKay

ZEE VP009

CONFIRMATION NO. 5155

FORMALITIES LETTER

\*OC000000010951290\*

25920 MARTINE & PENILLA, LLP 710 LAKEWAY DRIVE SUITE 170 SUNNYVALE, CA 94085

Date Mailed: 09/30/2003

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

#### **Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
   A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

• \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 3 - OFFICE COPY

Effective OCTOBER 1, 2003, Patent Fees will be adjusted. Please note that fee amounts required by the enclosed Notice might reflect the fees due on the date of filing. Any fee paid on or after OCTOBER 1, 2003 is subject to the new FY 2004 fee schedule and must be paid in the new amount.

# EXAMPLES OF FEES BEING ADJUSTED See <a href="https://www.uspto.gov">www.uspto.gov</a> for complete FY 2003 and FY-2004 Fee Schedules

\* Indicates fees remain at FY 2003 amount

| Basic filling fee - Utility (Small Entity)   | <u>'</u>   |         | amount   |
|--|--|---------|--|
| Basic filing fee - Utility (Small Entity)  | DESCRIPTION  | FY 2003 | FY 2004  |
| Independent claims in excess of three Independent claims in excess of three (Small Entity) Iclaims in excess of twenty Iclaims in excess of twenty (Small Entity) Iclaims in excess of twenty (Small Entity) Induitiple dependent claim Induitiple dependent claim (Small Entity) Induitiple dependent (Smal   | Basic filing fee - Utility                           |         | \$770  |
| Independent claims in excess of three (Small Entity)   | Basic filing fee - Utility (Small Entity)            |         | \$385  |
| Claims in excess of twenty         \$18         \$18*           Claims in excess of twenty (Small Entity)         \$9         \$9*           Multiple dependent claim         \$280         \$290           Multiple dependent claim (Small Entity)         \$140         \$145           Surcharge - Late filing fee         \$130         \$130           Surcharge - Late filing fee (Small Entity)         \$65         \$65           Design filing fee         \$330         \$340           Design filing fee (Small Entity)         \$165         \$170           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee         \$750         \$770           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee (Small Entity)         \$80         \$80*   | Independent claims in excess of three                |         | \$86   |
| Claims in excess of twenty (Small Entity)   \$9 \$9*   \$9*   Multiple dependent claim   \$280 \$290   Multiple dependent claim (Small Entity)   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145   \$140 \$145   \$145 | Independent claims in excess of three (Small Entity) | \$42    | \$43   |
| Multiple dependent claim         \$280         \$290           Multiple dependent claim (Small Entity)         \$140         \$145           Surcharge - Late filing fee         \$130         \$130           Surcharge - Late filing fee (Small Entity)         \$65         \$65           Design filing fee         \$330         \$340           Design filing fee (Small Entity)         \$165         \$170           Plant filing fee         \$520         \$530           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee (Small Entity)         \$260         \$265           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*  |  |         | \$18*  |
| Multiple dependent claim (Small Entity)         \$140         \$145           Surcharge - Late filing fee         \$130         \$130           Surcharge - Late filing fee (Small Entity)         \$65         \$65           Design filing fee         \$330         \$340           Design filing fee (Small Entity)         \$165         \$170           Plant filing fee (Small Entity)         \$260         \$255           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee (Small Entity)         \$375         \$385           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims         \$84         \$86           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110  |  |         | \$9*   |
| Surcharge - Late filing fee         \$130         \$130           Surcharge - Late filing fee (Small Entity)         \$65         \$65           Design filing fee         \$330         \$340           Design filing fee (Small Entity)         \$165         \$170           Plant filing fee (Small Entity)         \$260         \$265           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee (Small Entity)         \$375         \$385           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims         \$84         \$86           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - First month (Small Entity)         \$25         <   |  | \$280   | \$290  |
| Surcharge - Late filing fee (Small Entity)         \$65         \$65           Design filing fee         \$330         \$340           Design filing fee (Small Entity)         \$165         \$170           Plant filing fee         \$520         \$530           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - Second month         \$410         \$420           Extension - Second month (Small Entity)         \$25         \$25*           Extension - Third month         \$930         \$950*           Extension - Fourth month         \$1,450         \$1,480   | Multiple dependent claim (Small Entity)              |         | \$145  |
| Design filing fee         \$330         \$340           Design filing fee (Small Entity)         \$165         \$170           Plant filing fee         \$520         \$530           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee (Small Entity)         \$375         \$375           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims         \$84         \$86           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - Second month (Small Entity)         \$25         \$25*           Extension - Second month (Small Entity)         \$205         \$210           Extension - Third month         \$1,450         \$1,480           Extension - Fourth month         \$1,480         \$1,480   |  | \$130   | \$130  |
| Design filing fee (Small Entity)         \$165         \$170           Plant filing fee         \$520         \$530           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee         \$750         \$770           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims         \$84         \$86           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - First month (Small Entity)         \$55         \$55*           Extension - Second month (Small Entity)         \$420         \$210           Extension - Third month         \$930         \$950           Extension - Fourth month (Small Entity)         \$465         \$475  | Surcharge - Late filing fee (Small Entity)           |         | \$65   |
| Plant filing fee         \$520         \$530           Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee         \$750         \$770           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims         \$84         \$86           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - First month (Small Entity)         \$55         \$55*           Extension - Second month         \$410         \$420           Extension - Third month         \$930         \$950           Extension - Fourth month         \$1,450         \$1,480           Extension - Fourth month         \$1,480         \$1,480 <td< td=""><td></td><td></td><td>\$340</td></td<>  |  |         | \$340  |
| Plant filing fee (Small Entity)         \$260         \$265           Reissue filing fee         \$750         \$770           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims         \$84         \$86           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - First month (Small Entity)         \$25         \$25*           Extension - Second month         \$410         \$420           Extension - Third month (Small Entity)         \$205         \$210           Extension - Fourth month         \$1,480         \$475           Extension - Fourth month (Small Entity)         \$725         \$740           Extension - Fifth month         \$1,970         \$2,010<  | Design filing fee (Small Entity)                     |         | \$170  |
| Reissue filing fee         \$750         \$770           Reissue filing fee (Small Entity)         \$375         \$385           Reissue independent claims         \$84         \$86           Reissue independent claims (Small Entity)         \$42         \$43           Reissue claims in excess of twenty         \$18         \$18*           Reissue claims in excess of twenty (Small Entity)         \$9         \$9*           Provisional application filing fee         \$160         \$160*           Provisional application filing fee (Small Entity)         \$80         \$80*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$50*           Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - First month (Small Entity)         \$55         \$55*           Extension - Second month (Small Entity)         \$205         \$210           Extension - Third month         \$930         \$950           Extension - Fourth month         \$1,450         \$1,480           Extension - Fourth month         \$1,450         \$1,480           Extension - Fifth month         \$1,970  |  |         | \$530  |
| Reissue filing fee (Small Entity)  Reissue independent claims  Reissue independent claims (Small Entity)  Reissue claims in excess of twenty  Reissue claims in excess of twenty (Small Entity)  Provisional application filing fee  Provisional application filing fee (Small Entity)  Surcharge - Late provisional f   | Plant filing fee (Small Entity)                      |         | \$265  |
| Reissue independent claims Reissue independent claims (Small Entity) Reissue claims in excess of twenty Reissue claims in excess of twenty (Small Entity) Provisional application filing fee Provisional application filing fee (Small Entity) Surcharge - Late provisional filing fee Surcharge - Late provisional filing fee (Small Entity) Surchar   | Reissue filing fee                                   |         | \$770  |
| Reissue independent claims (Small Entity)  Reissue claims in excess of twenty  Reissue claims in excess of twenty (Small Entity)  Provisional application filing fee  Provisional application filing fee (Small Entity)  Surcharge - Late provisional filing fee  Surcharge - Late provisional filing fee (Small Entity)  Non-English Specification  Extension - First month  Extension - First month (Small Entity)  Extension - Second month (Small Entity)  Extension - Third month  Extension - Third month (Small Entity)  Extension - Third month (Small Entity)  Extension - Fourth month  Extension - Fourth month (Small Entity)  Extension - Fifth month   | Reissue filing fee (Small Entity)                    |         | \$385  |
| Reissue claims in excess of twenty Reissue claims in excess of twenty (Small Entity) Provisional application filing fee Provisional application filing fee (Small Entity) Surcharge - Late provisional filing fee Surcharge - Late provisional filing fee (Small Entity) Surcharge - Late prov   |  |         | \$86   |
| Reissue claims in excess of twenty (Small Entity)  Provisional application filing fee  Provisional application filing fee (Small Entity)  Surcharge - Late provisional filing fee  Surcharge - Late provisional filing fee (Small Entity)  Surcharge - Late provisional filing fee (Small Entity)  Non-English Specification  Extension - First month  Extension - First month (Small Entity)  Extension - Second month  Extension - Second month (Small Entity)  Extension - Second month (Small Entity)  Extension - Third month  Extension - Third month (Small Entity)  Extension - Third month (Small Entity)  Extension - Fourth month  Extension - Fourth month (Small Entity)  Extension - Fifth month  Extension - Fifth month (Small Entity)  Extension - Fifth month  S1,970  \$2,010  | Reissue independent claims (Small Entity)            |         |  |
| Provisional application filing fee \$160 \$160* Provisional application filing fee (Small Entity) \$80 \$80* Surcharge - Late provisional filing fee \$50 \$50* Surcharge - Late provisional filing fee (Small Entity) \$25 \$25* Non-English Specification \$130 \$130* Extension - First month \$110 \$110* Extension - First month (Small Entity) \$55 \$55* Extension - Second month \$410 \$420 Extension - Second month (Small Entity) \$205 \$210 Extension - Third month \$930 \$950 Extension - Third month (Small Entity) \$465 \$475 Extension - Fourth month (Small Entity) \$725 \$740 Extension - Fourth month (Small Entity) \$725 \$740 Extension - Fifth month \$1,970 \$2,010 Extension - Fifth month (Small Entity) \$985 \$1,005   |  |         |  |
| Provisional application filing fee (Small Entity) \$80 \$80* Surcharge - Late provisional filing fee \$50 \$50* Surcharge - Late provisional filing fee (Small Entity) \$25 \$25* Non-English Specification \$130 \$130* Extension - First month \$110 \$110* Extension - First month (Small Entity) \$55 \$55* Extension - Second month (Small Entity) \$205 \$210 Extension - Second month (Small Entity) \$205 \$210 Extension - Third month (Small Entity) \$465 \$475 Extension - Third month (Small Entity) \$465 \$475 Extension - Fourth month (Small Entity) \$725 \$740 Extension - Fourth month (Small Entity) \$1,970 \$2,010 Extension - Fifth month (Small Entity) \$985 \$1,005   |  |         |  |
| Surcharge - Late provisional filing fee       \$50       \$50*         Surcharge - Late provisional filing fee (Small Entity)       \$25       \$25*         Non-English Specification       \$130       \$130*         Extension - First month       \$110       \$110*         Extension - First month (Small Entity)       \$55       \$55*         Extension - Second month       \$410       \$420         Extension - Second month (Small Entity)       \$205       \$210         Extension - Third month       \$930       \$950         Extension - Third month (Small Entity)       \$465       \$475         Extension - Fourth month       \$1,450       \$1,480         Extension - Fourth month (Small Entity)       \$725       \$740         Extension - Fifth month       \$1,970       \$2,010         Extension - Fifth month (Small Entity)       \$985       \$1,005   |  |         |  |
| Surcharge - Late provisional filing fee (Small Entity)         \$25         \$25*           Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - First month (Small Entity)         \$55         \$55*           Extension - Second month         \$410         \$420           Extension - Second month (Small Entity)         \$205         \$210           Extension - Third month         \$930         \$950           Extension - Third month (Small Entity)         \$465         \$475           Extension - Fourth month         \$1,450         \$1,480           Extension - Fourth month (Small Entity)         \$725         \$740           Extension - Fifth month         \$1,970         \$2,010           Extension - Fifth month (Small Entity)         \$985         \$1,005  |  |         |  |
| Non-English Specification         \$130         \$130*           Extension - First month         \$110         \$110*           Extension - First month (Small Entity)         \$55         \$55*           Extension - Second month         \$410         \$420           Extension - Second month (Small Entity)         \$205         \$210           Extension - Third month         \$930         \$950           Extension - Third month (Small Entity)         \$465         \$475           Extension - Fourth month         \$1,450         \$1,480           Extension - Fourth month (Small Entity)         \$725         \$740           Extension - Fifth month         \$1,970         \$2,010           Extension - Fifth month (Small Entity)         \$985         \$1,005  |  |         |  |
| Extension - First month       \$110       \$110*         Extension - First month (Small Entity)       \$55       \$55*         Extension - Second month       \$410       \$420         Extension - Second month (Small Entity)       \$205       \$210         Extension - Third month       \$930       \$950         Extension - Third month (Small Entity)       \$465       \$475         Extension - Fourth month       \$1,450       \$1,480         Extension - Fourth month (Small Entity)       \$725       \$740         Extension - Fifth month       \$1,970       \$2,010         Extension - Fifth month (Small Entity)       \$985       \$1,005   |  |         | \$25*  |
| Extension - First month (Small Entity)       \$55       \$55*         Extension - Second month       \$410       \$420         Extension - Second month (Small Entity)       \$205       \$210         Extension - Third month       \$930       \$950         Extension - Third month (Small Entity)       \$465       \$475         Extension - Fourth month       \$1,450       \$1,480         Extension - Fourth month (Small Entity)       \$725       \$740         Extension - Fifth month       \$1,970       \$2,010         Extension - Fifth month (Small Entity)       \$985       \$1,005  |  |         |  |
| Extension - Second month       \$410       \$420         Extension - Second month (Small Entity)       \$205       \$210         Extension - Third month       \$930       \$950         Extension - Third month (Small Entity)       \$465       \$475         Extension - Fourth month       \$1,450       \$1,480         Extension - Fourth month (Small Entity)       \$725       \$740         Extension - Fifth month       \$1,970       \$2,010         Extension - Fifth month (Small Entity)       \$985       \$1,005  |  |         | \$110*   |
| Extension - Second month (Small Entity)       \$205       \$210         Extension - Third month       \$930       \$950         Extension - Third month (Small Entity)       \$465       \$475         Extension - Fourth month       \$1,450       \$1,480         Extension - Fourth month (Small Entity)       \$725       \$740         Extension - Fifth month       \$1,970       \$2,010         Extension - Fifth month (Small Entity)       \$985       \$1,005   |  |         |  |
| Extension - Third month       \$930       \$950         Extension - Third month (Small Entity)       \$465       \$475         Extension - Fourth month       \$1,450       \$1,480         Extension - Fourth month (Small Entity)       \$725       \$740         Extension - Fifth month       \$1,970       \$2,010         Extension - Fifth month (Small Entity)       \$985       \$1,005   |  |         | \$420  |
| Extension - Third month (Small Entity) \$465 \$475  Extension - Fourth month \$1,450 \$1,480  Extension - Fourth month (Small Entity) \$725 \$740  Extension - Fifth month \$1,970 \$2,010  Extension - Fifth month (Small Entity) \$985 \$1,005   | Extension - Second month (Small Entity)              |         | Value with a prince reserve to the paper and the paper |
| Extension - Fourth month       \$1,450       \$1,480         Extension - Fourth month (Small Entity)       \$725       \$740         Extension - Fifth month       \$1,970       \$2,010         Extension - Fifth month (Small Entity)       \$985       \$1,005  |  |         | \$950  |
| Extension - Fourth month (Small Entity) \$725 \$740  Extension - Fifth month \$1,970 \$2,010  Extension - Fifth month (Small Entity) \$985 \$1,005   |  |         | \$475  |
| Extension - Fifth month \$1,970 \$2,010 Extension - Fifth month (Small Entity) \$985 \$1,005   |  | \$1,450 | \$1,480  |
| Extension - Fifth month (Small Entity) \$985 \$1,005   |  |         | \$740  |
|  |  |         | \$2,010  |
| Patition \$130 \$130   |  |         | \$1,005  |
|  | Petition   | \$130   | \$130*   |
| Processing returned checks \$50 \$50*  | Processing returned checks                           | \$50    | \$50*  |

For further fee information, please call (703-308-HELP)